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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 29 2003

TECHNOLOGY CENTER R3700

In re Appln. Of: HARRIS et al.

Serial No.: 09/991,810

Filed: November 23, 2001

For: ELECTRONIC DEVICE FOR THE PREPARATION...

Group: 3713

Examiner: Cameron Saadat

DOCKET: BROOKSTONE 01.01

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

# 7 Petition to Correct Inventorship  
h. Morgan  
9/4/03

**PETITION TO CORRECT INVENTORSHIP**  
**UNDER 37 C.F.R. 1.48(a)**

Applicant hereby petitions to correct the inventorship of the above-identified application by adding as inventor the following individual: Baird Little, c/o Brookstone Company, Inc., 17 Riverside Street, Nashua, New Hampshire 03062, a citizen of the United States of America.

The following documents accompany this Petition in support thereof:

1. A verified Statement of Facts by the originally named inventors of the instant application, David Harris, Rudy Woodard and Scott Rubenstein.
2. A combined Declaration and Power of Attorney for the actual inventors;
3. A Written Statement by the Assignee of the instant application, Brookstone Company, Inc., consenting to correction of inventorship as set forth in this Petition.

As set forth in the accompanying Verified Statement of Facts by the originally named inventors, Baird Little was not named as an inventor of the above identified application

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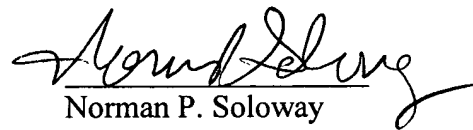
through inadvertent error, without deceptive intent on the part of the actual inventors of said application or anyone involved with preparation or prosecution thereof.

It is respectfully requested that the Commissioner grant this Petition.

A Form PTO- 2038 in the amount of \$130.00 is enclosed to cover the Petition Fee required under 37 C.F.R. 1.17(h).

In the event there are any fees deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account No. 08-1391.

Respectfully submitted,



Norman P. Soloway  
Attorney for Applicant  
Reg. No. 24,315

**CERTIFICATE OF MAILING**

I certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 2213-1450" on August 21, 2003, at Tucson, Arizona.

By: 

NPS:sb

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**VERIFIED STATEMENT BY ORIGINALLY NAMED INVENTORS, DAVID HARRIS,  
RUDY WOODARD AND SCOTT RUBENSTEIN, IN SUPPORT OF  
PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. 1.48(a)**

Dear Sir:

We David Harris, Rudy Woodard and Scott Rubenstein, hereby declare the following:

1. We are the originally named inventors of the above-identified application, entitled "ELECTRONIC DEVICE FOR THE PREPARATION OF MIXED DRINKS".
2. We are employed by Brookstone Company, Inc., Assignee of the application.
3. The subject application was filed naming only us three as inventors due to an inadvertent miscommunication with our attorney, who believed that we were the only inventors of same. We only just became aware of our error and the omission of Baird Little as an inventor, when reviewing original invention records for preparation of a 131 Declaration for filing in this application, long after the subject application was filed. We promptly notified our attorney that Baird Little incorrectly had been omitted from being a named inventor of the

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subject application, and we directed our attorney to correct the inventorship of the subject application.

4. The failure to name Baird Little as an actual inventor of the above-identified application at the time of filing thereof was inadvertent, without any deceptive intent on our part, or on the part of Baird Little or anyone else involved in preparation or prosecution of the application.

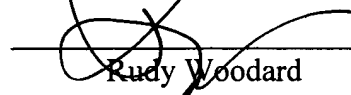
5. In view of the foregoing, we respectfully request that the Commissioner grant the accompanying Petition to Correct Inventorship of the above-identified application under 37 C.F.R. 1.48, and thereby add Baird Little as a named inventor for the above-identified application.

We declare that all statements made herein are true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC § 101 and that such false statements may jeopardize the validity of this document and of the patent application to which it relates.

Signed at Nashua, New Hampshire, States of America, this 14<sup>th</sup> day of August 2003.



David Harris



Rudy Woodard



Scott Rubenstein

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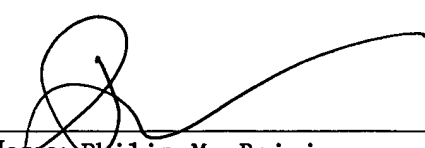
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**WRITTEN CONSENT BY ASSIGNEE**  
**TO CORRECT INVENTORSHIP**

The assignee of the above-identified application, Brookstone Company, Inc. hereby consents to correction of inventorship of the above-identified application to include as a named inventor thereof the following individual: Baird Little, c/o Brookstone Company, Inc., 17 Riverside Street, Nashua, New Hampshire 03062, a citizen of the United States of America.

Brookstone Company, Inc.

Date: 8/14/03

  
Name: Philip M. Roizin  
Title: Executive Vice President,  
Finance and Administration

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**SUPPLEMENTAL AMENDMENT A**

Dear Sir:

In connection with the above-entitled matter, Applicants enclose a Rule 131 Declaration signed by all the inventors, including the newly added inventor, Baird Little.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,

Norman P. Soloway  
Attorney for Applicant  
Reg. No. 24,315

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 21, 2003, at Tucson, Arizona.

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**DECLARATION UNDER 37 CFR 1.131  
OF PRIOR INVENTION**

Dear Sir:

The undersigned, being the named inventors of the subject Application, declare and state the following:

(1) We conceived of the invention claimed in the above identified application prior to April 13, 2001, the filing date of the Wulf et al published U.S. Patent Application No. 2002/0176320 A1 cited in the Official Action mailed January 29, 2003 in the above matter.

(2) As proof thereof, we provide the following:

(a) Exhibit A which is a copy of a written invention disclosure prepared prior to April 13, 2001; and

(b) Exhibit B which is an e-mail also in existence prior to April 13, 2001, showing continued diligence in reduction to practice.

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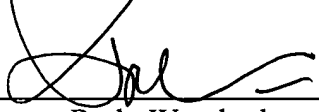
(3) The foregoing and attachments clearly show we possessed the claimed invention prior to the April 13, 2001 filing date of the Wulf et al published application. Moreover, having conceived of the invention prior to April 13, 2001, we proceeded diligently to produce and market product and to file a patent application covering the invention. At no time between our conception of the invention and our filing of the subject application did we ever intend to abandon the invention.

As the named inventors, we hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issued thereon.

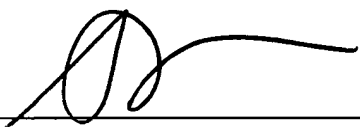
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\_\_\_\_\_  
David Harris

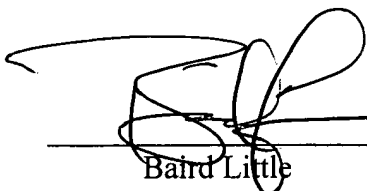
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\_\_\_\_\_  
Rudy Woodard

Date: 8/12/03

  
\_\_\_\_\_  
Scott Rubenstein

Date: 8/13/03

  
\_\_\_\_\_  
Baird Little

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DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

Attorney Docket No: BROOKSTONE 01.01

First Named Inventor: David Harris

Complete if known: Serial No: 09/991,810

Filing Date: November 23, 2001

Group Art Unit: 3713

Examiner: Cameron Saadat

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As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

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I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **ELECTRONIC DEVICE FOR THE PREPARATION OF MIXED DRINKS**, the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, S. 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

Certified Copy

Priority Claimed

Attached

☐ Yes ☐ No

☐ Yes ☐ No

(Number)

(Country)

(Month/Day/Year Filed)

☐ Yes ☐ No

☐ Yes ☐ No

(Number)

(Country)

(Month/Day/Year Filed)

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

Application No:

Filing Date:

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

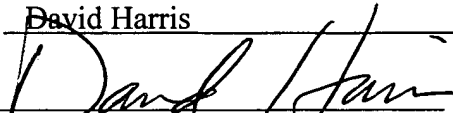
US Parent Application No. or PCT Parent Appln. No.	Parent Filing Date	Parent Patent Number (if applicable)
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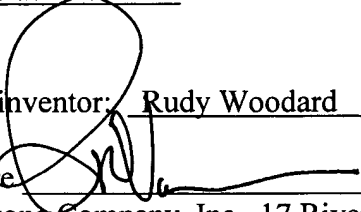
And I hereby appoint HAYES, SOLOWAY, HENNESSEY, GROSSMAN & HAGE, P.C., a firm composed of Oliver W. Hayes, Reg. No. 15,867; Norman P. Soloway, Reg. No. 24,315; William O. Hennessey, Reg. No. 32,032; Susan H. Hage, Reg. No. 29,646; Steven J. Grossman, Reg. No. 35,001; and Donald J. Perreault, Reg. No. 40,126; Peter W. Murphy, Reg. No. 43,822; Jeffrey T. Placker, Reg. No. 47,862; Scott R. Faber, Reg. No. 48,380; or any of them, of 175 Canal Street, Manchester, New Hampshire 03101 (Telephone: 603-668-1400); or Edmund Paul Pfleger, Reg. No. 41,252; Dale F. Regelman, Reg. No. 45,625; or Kevin M. Drucker, Reg. No. 47,537, or any of them, of 130 W. Cushing Street, Tucson, Arizona 85701 (Telephone: 520-882-7623) my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent Office connected therewith.

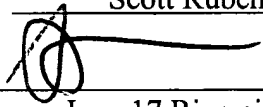
Please direct all future correspondence in connection with this application to the attention of **Norman P. Soloway**, HAYES, SOLOWAY, HENNESSEY, GROSSMAN & HAGE, P.C., 130 W. Cushing Street, Tucson, Arizona 85701 (Telephone: 520-882-7623).

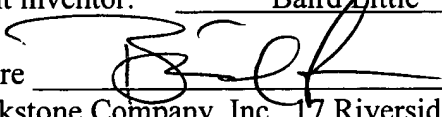
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: David Harris  
First Inventor's signature  Date 8.13.03  
Residence: c/o Brookstone Company, Inc., 17 Riverside Street, Nashua, NH 03062  
Citizenship: U.S.  
Post Office Address: Same as Residence

Full name of second joint inventor: Rudy Woodard  
Second Inventor's signature  Date 8/13/03  
Residence: c/o Brookstone Company, Inc., 17 Riverside Street, Nashua, NH 03062  
Citizenship: U.S.  
Post Office Address: Same as Residence

Full name of third joint inventor: Scott Rubenstein  
Third Inventor's signature  Date 8/12/03  
Residence: c/o Brookstone Company, Inc., 17 Riverside Street, Nashua, NH 03062  
Citizenship: U.S.  
Post Office Address: Same as Residence

Full name of fourth joint inventor: Baird Little  
Third Inventor's signature  Date 8/13/03  
Residence: c/o Brookstone Company, Inc., 17 Riverside Street, Nashua, NH 03062  
Citizenship: U.S.  
Post Office Address: Same as Residence

**IMPORTANT NOTICE RE DUTY OF CANDOR AND GOOD FAITH**

The Duty of Disclosure requirements of Section 1.56(a), of Title 37 of the Code of Federal Regulations are as follows:

A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an

obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

By virtue of this regulation each inventor executing the Declaration for the filing of a Patent Application acknowledges his duty to disclose information of which he is aware and which may be material to the examination of the application.

Inherent in this is the duty to disclose any knowledge or belief that the invention:

- (a) was ever known or used in the United States of America before his invention thereof;
- (b) was patented or described in any printed publication in any country before his invention thereof or more than one year prior to the actual filing date of the U.S. patent application;
- (c) was in public use or on sale in the United States of America more than one year prior to the actual filing date of the U.S. patent application; or
- (d) has been patented or made the subject of inventor's certificate issued before the actual filing date of the U.S. patent application in any country foreign to the United States of America on an application filed by him or his legal representatives or assigns more than twelve months before the actual filing date in the United States.

NOTE: The "Information" concerned includes, but is not limited to, all published applications and patents, including applicant's and assignee's own, U.S. or foreign applications and patents, as well as any other pertinent prior art known, or which becomes known, to the inventor or his representatives. Where English language equivalents of foreign language documents are known, they should be identified and, when possible, copies supplied. Failure to comply with this requirement may result in a patent issued on the application being held invalid even if the known prior art which is not supplied is material to only one claim of that patent.